

ESTTA Tracking number: **ESTTA441520**

Filing date: **11/16/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92054106
Party	Plaintiff Emailability, LLC
Correspondence Address	EDWARD NUNES BAMBI FAIVRE WALTERS PC 1201 JAMESTWON RD WILLIAMSBURG, VA 23185 UNITED STATES ed@bfwpc.com
Submission	Withdrawal of Cancellation
Filer's Name	Edward Nunes
Filer's e-mail	ed@bfwpc.com
Signature	/edward nunes/
Date	11/16/2011
Attachments	motion to dismiss 11.16.11.pdf ( 2 pages )(10777 bytes )

**BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Emailability, LLC,  
Plaintiff

v.

AWeber Communications, Inc.,  
Registrant

Cancellation No.: 92054106

Trademark Registration No.: 3728211  
Registered: December 22, 2009  
Mark: EMAIL MARKETING DELIVERED

**Stipulation to Dismiss Petition to Cancel with Prejudice**

Plaintiff Emailability, LLC (“Plaintiff”) and AWeber Communications, Inc. (“Defendant”) have executed an agreement settling this matter. In accordance with the settlement agreement, the parties stipulate and agree that this cancellation proceeding be dismissed with prejudice.

Date: November 11, 2011

Respectfully Submitted,  
/edward nunes/

Edward Nunes  
Attorney for Plaintiff  
Bambi Faivre Walters, PC  
1201 Jamestown Rd  
PO Box 5473 (23188)  
Williamsburg, VA 23185  
Phone: 757-208-0266  
Fax: 757-345-5412

**Certificate of Service**

I hereby certify that on November 16<sup>th</sup>, 2011 a copy of the foregoing **Stipulation to Dismiss  
Petition to Cancel with Prejudice** was served on the Defendant via first class mail to the following address:

Claudia Rast  
Butzel Long  
350 S. Main St., Suite 300  
Ann Arbor, MI 48104

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/edward nunes/

Edward Nunes